

*This opinion is nonprecedential except as provided by
Minn. R. Civ. App. P. 136.01, subd. 1(c).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A25-1686**

State of Minnesota,
Respondent,

vs.

DeCarlos Deion Chopin,
Appellant.

**Filed September 8, 2026
Affirmed
Ede, Judge**

Hennepin County District Court
File No. 27-CR-21-22512

Keith Ellison, Attorney General, St. Paul, Minnesota, and

Mary F. Moriarty, Hennepin County Attorney, Nicole Cornale, Assistant County Attorney,
Annika Schultz (certified law student practitioner), Minneapolis, Minnesota (for
respondent)

Sarah Gad, Gad & Gad Law Offices LLP, Minneapolis, Minnesota (for appellant)

Considered and decided by Ede, Presiding Judge; Worke, Judge; and Connolly,
Judge.

NONPRECEDENTIAL OPINION

EDE, Judge

In this direct appeal from a judgment of conviction for second-degree murder,
appellant challenges the district court's order denying his presentence motion to withdraw
his guilty plea. Appellant contends that the district court abused its discretion because he

claims (1) that the court failed to properly apply the fair-and-just standard under Minnesota Rule of Criminal Procedure 15.05, subdivision 2, and (2) that his attorney induced his guilty plea by providing materially erroneous advice that constitutes ineffective assistance of counsel. We affirm.

FACTS

The following factual summary stems from the record of the district court proceedings and the court's factual findings in its order denying appellant DeCarlos Deion Chopin's plea-withdrawal motion.

In early December 2021, respondent State of Minnesota charged Chopin with second-degree intentional murder, in violation of Minnesota Statutes section 609.19, subdivision 1(1) (2020) (Count I). According to the complaint, Chopin was captured in video-surveillance footage shooting the victim from the driver's seat of Chopin's vehicle following a verbal exchange at a gas station, after which Chopin drove away.

To obtain an indictment against Chopin for the charge of first-degree murder, in violation of Minnesota Statutes section 609.185(a)(3) (2020), the state intended to present the matter to a grand jury in October 2022. Shortly after a prosecutor informed attorney J.V. that the state was preparing to impanel a grand jury for that purpose, however, the district court ordered that Chopin undergo a competency evaluation, and the state postponed its efforts to seek an indictment. In December 2022, a prosecutor told attorney C.C.—who was considering representing Chopin in lieu of attorney J.V.—that, if the case did not resolve via guilty plea, the state would seek a first-degree-murder indictment.

In May 2023, Chopin retained his attorney C.C., who had been practicing in criminal defense for 50 years and had “handled likely more than 4,500 cases at all offense levels, including at least 50 murder cases.” While attorney C.C. “did not convey the information about the likelihood of an indictment received from [the prosecutor] in December of 2022,” he did tell Chopin during their first meeting “that he would ‘look into’ a potential indictment after prior conversations with [attorney J.V.]” Chopin participated in settlement discussions with attorney C.C. before January 2024, when a trial date was set.

At a hearing on January 10, 2024, the district court granted the state’s request to amend the complaint by adding charges of second-degree murder—drive-by shooting, in violation of Minnesota Statutes section 609.19, subdivision 1(2) (2020) (Count II), and unlawful possession of a firearm or ammunition, in violation of Minnesota Statutes section 624.713, subdivision 1(2) (2020) (Count III). During the January 10 hearing, the state placed the terms of a proposed plea agreement on the record. The state’s offer called for Chopin to plead guilty to a single count—i.e., second-degree murder (Count II)—and for a recommended sentence of 363 months’ imprisonment.¹ The next day, the state filed the amended complaint and a notice to seek an aggravated sentence.

After the January 10 hearing, attorney C.C. “made ‘numerous’ meaningful visits with [Chopin] to discuss the plea.” Chopin “told [attorney C.C.] that he would accept the state’s offer of 363 months but wanted to wait until April . . . for medical care at the jail that may not be available in prison.” In addition, Chopin informed attorney C.C. that “he

¹ As part of this proposed plea agreement, the state also offered to dismiss an unrelated controlled substance case that was pending against Chopin.

was concerned about his wife being subpoenaed and testifying after she provided an inculpatory statement to the police.” Chopin “was knowledgeable about the personal service process and how it could potentially impact whether or not his wife would have to appear to testify in [his] trial.” And he “was agreeable to multiple continuances and never made a speedy trial demand.”

On January 12, attorney C.C. notified the district court that Chopin intended to accept the proposed plea agreement. Although the district court set a plea hearing for January 16, Chopin did not accept the state’s offer on that date. The state nonetheless agreed to keep the proffered resolution open until April 1. In April, Chopin informed attorney C.C. that he “had changed his mind about pleading guilty and wanted to go to trial.” Chopin and attorney C.C. “had reviewed discovery and were fully prepared for trial.”

In a June 20 email to attorney C.C., a prosecutor noted that the offer had been “set to expire” on April 1, but the state was “willing to keep that offer open” as the matter approached trial.² The prosecutor also stated that the “offer [was] still available but [would] expire on Thursday 6/27 at 9 a.m.” and that, if Chopin wished to proceed with the proposed plea agreement, he would “have to accept and plead before that time.” Moreover, the prosecutor ended the email by saying: “After that time, if there is a conviction, we plan to ask for the maximum sentence.”

² Because of a scheduling conflict involving attorney C.C., the district court had continued the trial date to July 15. Chopin “agreed with [this] continuance because his wife would be at the courthouse,” “a face-to-face subpoena for his trial could result in an arrest warrant,” and “he was concerned about her being subpoenaed and testifying.”

Attorney C.C. was “aware of the state’s grand jury process, including knowing that grand juries convened on Thursday mornings, which was the deadline to accept the state’s offer.” After receiving the June 20 email, attorney C.C. called the prosecutors, who “did not explicitly confirm that the June 27 deadline was because they planned to take the case to the grand jury if there was no plea, but said they had ‘options.’” In particular, the state told attorney C.C. that, “hypothetically[, if there [were] an indictment, [Chopin] [could] be indicted under Minn. Stat. § 609.185[(a)(3)].”

Attorney C.C. met with Chopin on June 20—the same day he received the email and spoke with the prosecutors. Based on that information, attorney C.C. provided Chopin with a copy of Minnesota Statutes section 609.185(a)(3) and told him that, “if he did not accept the state’s offer by the June 27th deadline, [he] would likely be indicted on a more serious charge that carries a more serious penalty”—specifically, “murder in the first degree.” Indeed, an affidavit filed by the state in response to Chopin’s plea-withdrawal motion confirms that Chopin’s “case was scheduled to be presented to the grand jury on the plea deadline of Thursday, June 27, 2024, to seek an indictment for Murder in the 1st Degree under Minn. Stat. § 609.185(a)(3).”

Attorney C.C. advised his client that “they could make arguments at trial to negate the first-degree murder charge but would likely have to concede that [he] was the shooter, resulting in a second-degree murder conviction and a 480 month sentence.” Although Chopin told attorney C.C. that he “wanted to think about it and speak with his wife,” his attorney had the “impression . . . that [Chopin] was seriously considering taking the deal.” Chopin “told [attorney C.C. that] he did not want to put his wife and family through trial,

he was concerned about his wife testifying[,] and [he] was worried about a potential life sentence.” “[A]fter multiple discussions, [Chopin] decided to accept the plea offer, and he thought pleading to the low end of the box”—i.e., the state’s agreement to recommend a sentence of 363 months’ imprisonment—“was appropriate and reasonable.”

At a hearing on June 27, Chopin formally accepted the state’s proposed agreement and entered a guilty plea on the record. During the hearing, Chopin affirmed that his “decision to plead guilty . . . [was] free and voluntary,” that he was not “pressured or coerced into pleading guilty,” and that attorney C.C. had “answered all of [his] questions.”

On July 15, attorney C.C. moved to withdraw from representing Chopin based on a conflict of interest that had arisen because Chopin intended to claim ineffective assistance of counsel as a ground to withdraw his plea. Chopin had “informed [attorney C.C.] that he wished to withdraw his plea on the grounds that he was advised that if he went to trial, he would likely be convicted on one count, and that there was no certainty he would be indicted if he rejected the plea offer.” In Chopin’s view, attorney C.C.’s advice “that he would be indicted was wrong,” he believed “that he should [have] go[ne] to trial,” and “[h]e did not think that [his attorney’s] opinion of the ultimate outcome was appropriate.”

On July 16, Chopin nevertheless “authorized [attorney C.C.] . . . to engage in a plea negotiation with the state for a reduced sentence of 310 months in exchange for [Chopin] not moving forward with the plea-withdrawal motion.” Chopin “agreed to be sentenced at his next hearing if the state agreed to the amended plea agreement.” On July 17, the state emailed attorney C.C. to summarize a phone call between the parties about Chopin’s counteroffer and to confirm that the state did not accept that proposal. At a hearing on July

18, the district court granted the motion by attorney C.C. to withdraw from further representation.

In November, represented by new counsel, Chopin moved to withdraw his guilty plea and to vacate his conviction. The district court held evidentiary hearings in March and April 2025, during which the court received 15 exhibits³ and heard testimony from Chopin, the probation officer who interviewed Chopin for his presentence investigation report, a sergeant at the jail where Chopin was held in pretrial detention, attorney C.C., and Chopin's wife.⁴ In July, the district court filed its order denying Chopin's plea-withdrawal motion.

This appeal follows.

DECISION

Chopin maintains that the district court abused its discretion in denying his plea-withdrawal motion because he claims (1) that the court failed to properly apply the fair-and-just standard under Minnesota Rule of Criminal Procedure 15.05, subdivision 2, and (2) that attorney C.C. induced his guilty plea by providing materially erroneous advice that constitutes ineffective assistance of counsel. As explained below, we conclude that the district court acted within its discretion in denying Chopin's motion to withdraw his guilty plea.

³ The exhibits included Chopin's jail housing history and behavioral notes from 2021 to 2025, his jail housing classification log, and his jail visit data.

⁴ At the state's request, the district court also took judicial notice of several court records.

“There is no absolute right to withdraw a valid guilty plea.” *State v. Paulson*, 22 N.W.3d 144, 149 (Minn. 2025). Minnesota Rule of Criminal Procedure 15.05, subdivision 2, provides:

In its discretion the court may allow the defendant to withdraw a plea at any time before sentence if it is fair and just to do so. The court must give due consideration to the reasons advanced by the defendant in support of the motion and any prejudice the granting of the motion would cause the prosecution by reason of actions taken in reliance upon the defendant’s plea.

“The fair and just standard requires district courts to give due consideration to two factors: (1) the reasons a defendant advances to support withdrawal and (2) prejudice granting the motion would cause the State given reliance on the plea.” *State v. Raleigh*, 778 N.W.2d 90, 97 (Minn. 2010) (quotations omitted). Whereas “[a] defendant bears the burden of advancing reasons to support withdrawal[,] . . . [t]he State bears the burden of showing prejudice caused by withdrawal.” *Id.*

“We review a district court’s decision to deny a withdrawal motion for abuse of discretion, reversing only in the rare case.” *State v. Bell*, 971 N.W.2d 92, 106–07 n.4 (Minn. App. 2022) (quoting *Raleigh*, 778 N.W.2d at 97), *rev. denied* (Minn. Apr. 27, 2022). “A district court abuses its discretion when it exercises its discretion in an arbitrary or capricious manner, bases its ruling on an erroneous view of the law, or makes clearly erroneous factual findings.” *Underwood v. State*, 25 N.W.3d 26, 32 (Minn. 2025). Accordingly, appellate courts review a “district court’s factual findings for clear error and its legal conclusions de novo.” *Id.*

“In applying the clear-error standard, [appellate courts] view the evidence in the light most favorable to the findings.” *In re Welfare of C.T.B.*, 24 N.W.3d 651, 657 (Minn. 2025) (citing *In re Civ. Commitment of Kenney*, 963 N.W.2d 214, 221 (Minn. 2021)). “A factual finding is clearly erroneous if it does not have evidentiary support in the record.” *Id.* (quotation omitted). “The district court is in the best position to evaluate witness credibility, and [appellate courts] defer to those determinations absent a clear error.” *Griffin v. State*, 941 N.W.2d 404, 408–09 (Minn. 2020); *see also State v. Jones*, 921 N.W.2d 774, 782–83 (Minn. App. 2018) (observing that “[t]he district court found that appellant’s testimony regarding heroin use before his plea hearing was not credible,” reasoning that “we defer to such credibility determinations” and that “[t]he district court is in the best position to resolve credibility questions,” and holding that “[t]he district court acted within its discretion in denying appellant’s motion to withdraw his guilty pleas”), *rev. denied* (Minn. Feb. 27, 2019).

Moreover, appellate courts must defer to a district court’s overall factual findings unless the findings are clearly erroneous. *C.T.B.*, 24 N.W.3d at 657. “In sum, the role of an appellate court is not to weigh, reweigh, or inherently reweigh the evidence when applying a clear-error review; that task is best suited to, and therefore is reserved for, the factfinder.” *Kenney*, 963 N.W.2d at 223 (citing *In re Civ. Commitment of Ince*, 847 N.W.2d 13, 24 (Minn. 2014) (stating that a factfinder is in the best position to “weigh the evidence and assess credibility”); *In re Knops*, 536 N.W.2d 616, 620 (Minn. 1995) (affording “due regard” to the factfinder’s opportunity to “judge the credibility of the witnesses”)); *accord*

State v. Thompson, 988 N.W.2d 149, 158 (Minn. App. 2023), *rev. denied* (Minn. June 20, 2023).

Mindful of these principles, we next address each of Chopin’s arguments.

I. The district court acted within its discretion in applying the fair-and-just standard under Minnesota Rule of Criminal Procedure 15.05, subdivision 2.

In maintaining that the district court failed to properly apply the fair-and-just standard, Chopin contends that the court (A) incorrectly analyzed the validity of his guilty plea, (B) failed to adequately weigh the effect of his pretrial detention, (C) erroneously treated the plea-agreement deadline as allowable litigation pressure, and (D) wrongly determined that the state would suffer prejudice. These contentions are unavailing.

A. The district court correctly gave due consideration to the reasons Chopin advanced to support plea withdrawal in analyzing the validity of his guilty plea.

Chopin asserts that the district court abused its discretion because, “[a]lthough . . . [he] sought presentence withdrawal under [Minnesota] Rule [of Criminal Procedure] 15.05, the district court framed its analysis around whether he lacked the capacity to plead guilty and whether the plea colloquy satisfied constitutional minimums.”

In its order denying Chopin’s plea-withdrawal motion, however, the district court properly prefaced its analysis by quoting Minnesota Rule of Criminal Procedure 15.05, subdivision 2, as “allow[ing] a defendant to ‘withdraw a plea at any time before sentence if it is fair and just to do so.’” The district court likewise appropriately quoted *Raleigh*, 778 N.W.2d at 97, for the proposition that application of the fair-and-just standard entails

consideration of “(1) the reasons a defendant advances to support withdrawal and (2) prejudice granting the motion would cause the State given reliance on the plea.”

In his memorandum in support of his plea-withdrawal motion, Chopin described the reasons he advanced for the relief he sought as follows: “The record establishes that . . . Chopin’s guilty plea was not knowing, voluntary, or intelligent and must be vacated.”⁵ In consideration of those express reasons that Chopin advanced to support withdrawal, the district court’s order denying Chopin’s motion appropriately analyzes whether Chopin’s guilty plea is knowing, voluntary, and intelligent. *See Raleigh*, 778 N.W.2d at 97.

Thus, while Chopin maintains that the district court abused its discretion by “collaps[ing] the fair-and-just inquiry into a plea-validity determination,” we conclude that the court correctly gave due consideration to the reasons Chopin advanced to support plea withdrawal in analyzing the validity of his guilty plea. *See id.*

B. The district court did not clearly err in weighing the effect of Chopin’s pretrial detention.

Chopin contends that the district court “failed to meaningfully weigh” the effect of pretrial incarceration on his plea decision.

Contrary to this contention, in its order denying Chopin’s plea-withdrawal motion, the district court considered Chopin’s testimony and that of the sergeant at the jail where

⁵ Indeed, in his statement of the case on appeal, Chopin describes his plea-withdrawal motion as “asserting [that his guilty plea] was not knowing, intelligent, or voluntary because it was entered under coercive conditions, including prolonged solitary confinement, deteriorating mental health, and ineffective assistance of counsel.”

Chopin was held in pretrial detention, as well as Chopin's jail housing history and behavioral notes from 2021 to 2025, his jail housing classification log, and his jail visit data. The district court rejected Chopin's assertion that he had been in solitary confinement continuously during the pendency of this case as unsupported by the record, which reflects that Chopin was moved to the jail's general population multiple times and returned to segregation based on recurring behavioral issues. Moreover, the district court acknowledged "that long periods of solitary confinement may lead to a decline in one's mental health" and did "not dispute that [Chopin's] incarceration related to this case ha[d] taken a toll on his mental and physical health." Ultimately, however, the district court determined that "the record does not demonstrate that [Chopin's] conditions of incarceration affected his mental faculties such that he could not voluntarily decide to plead guilty."

Based on our careful review of the record, we discern no clear error in the district court's consideration of Chopin's pretrial detention. Put differently, viewing the evidence in the light most favorable to the district court's findings, those findings are not clearly erroneous because they have evidentiary support in the record—i.e., the sergeant's testimony and the exhibits concerning Chopin's experience in jail awaiting trial. *See C.T.B.*, 24 N.W.3d at 657. Because the district court's factual findings are not clearly erroneous, we must defer to them, and we may not weigh, reweigh, or inherently reweigh the evidence. *See id.*; *see also Kenney*, 963 N.W.2d at 223; *Jones*, 921 N.W.2d at 782–83.

We therefore conclude that the district court did not clearly err in weighing the effect of Chopin's pretrial detention.

C. The district court appropriately treated the plea-agreement deadline as allowable litigation pressure.

Chopin claims that the district court erroneously “treated a time-compressed plea window . . . as ordinary litigation pressure.”

The district court’s order denying Chopin’s plea-withdrawal motion repudiates this claim. In its order, the district court explains its determination that “there was no ‘manufactured urgency’ by [attorney C.C.]” based on its reasoning that Chopin “had at least five months to consider the state’s offer of 363 months, and about 7 days to consider the offer with the updated deadline” of 9:00 a.m. on June 27, 2024. After noting that attorney C.C. “correctly advise[d] his client of the changed likelihood of indictment” based on the June 20 email and conversation with the prosecutors, the district court ruled that Chopin “had adequate time to consider an offer he had known about for months with the new information about the likelihood of an indictment.”

Chopin cites no authority for the principle that the state must keep a plea offer open longer than the more-than-five months that he had to consider the proposed plea agreement here. Nor are we aware of such authority. In concluding that a district court properly rejected a claim of prosecutorial misconduct, however, the Minnesota Supreme Court has approvingly quoted the American Bar Association (ABA) Criminal Justice Standards for the Prosecution Function for the proposition that “[a] prosecutor may . . . set a reasonable deadline before trial or hearing for acceptance of a disposition offer.” *Eason v. State*, 950 N.W.2d 258, 266–67 (Minn. 2020) (quoting ABA Standards Relating to the Prosecution Function 3–5.6(d) (2017)).

In light of the foregoing, we conclude that the district court appropriately treated the plea-agreement deadline as allowable litigation pressure.

D. The record reasonably supports the district court’s determination that the state would suffer prejudice if Chopin were allowed to withdraw his guilty plea.

Chopin argues that “the record does not support a finding of prejudice to the state.”

To support its determination, the district court reasoned that “the case was charged nearly 4 years [before its decision on Chopin’s plea-withdrawal motion],” that “the plea was placed on the record over a year [prior to that decision],” that “the state would need to re-engage witnesses who were released from subpoenas over a year [earlier] in reliance on the plea,” and that “the additional year that ha[d] passed could cause significant harm to witness memory and cooperation.” Chopin maintains that, because “the state did not release witnesses, lose evidence, alter its litigation strategy, or suffer any scheduling or logistical disruption” as a result of his guilty plea, the state would not be prejudiced by withdrawal. But viewed in the light most favorable to the district court’s underlying factual findings, the evidence—which includes Chopin’s concerns about the state’s efforts to subpoena his wife and present evidence of her inculpatory statement at trial—reasonably supports the court’s prejudice determination. *See C.T.B.*, 24 N.W.3d at 657; *see also Kenney*, 963 N.W.2d at 223; *Jones*, 921 N.W.2d at 782–83.

Consequently, we discern no abuse of discretion by the district court in this regard. *See Underwood*, 25 N.W.3d at 32; *Raleigh*, 778 N.W.2d at 97.

II. The district court acted within its discretion in rejecting Chopin’s ineffective-assistance-of-counsel claim.

Chopin maintains that his “guilty plea must be withdrawn because it was induced by materially erroneous advice constituting ineffective assistance of counsel.” More specifically, Chopin asserts (A) that attorney C.C.’s advice about the likelihood of indictment and his sentencing exposure was materially misleading and (B) that he would not have pleaded guilty but for his attorney’s advice. These assertions do not merit reversal.

The United States and Minnesota Constitutions provide that, in all criminal prosecutions, a defendant has the right to the assistance of counsel in their defense. U.S. Const. amend. VI; Minn. Const. art. I, § 6. “The Sixth Amendment to the United States Constitution guarantees a defendant a right to effective assistance of counsel, even ‘[b]efore deciding whether to plead guilty.’” *State v. Ellis-Strong*, 899 N.W.2d 531, 535 (Minn. App. 2017) (quoting *Padilla v. Kentucky*, 559 U.S. 356, 364 (2010)). “A defendant’s guilty plea may be constitutionally invalid if the defendant received ineffective assistance of counsel.” *Id.* at 535–36 (quotation omitted).

Appellate courts review ineffective-assistance-of-counsel claims “under the two-prong test set forth in *Strickland v. Washington*, 466 U.S. 668, 687, 104 S.Ct. 2052, 2064, 80 L.Ed.2d 674 (1984).” *Ellis-Strong*, 899 N.W.2d at 535 (citing *Andersen v. State*, 830 N.W.2d 1, 10 (Minn. 2013)). “To show ineffective assistance of counsel in the context of a guilty plea, the defendant must demonstrate (1) ‘counsel’s representation fell below an objective standard of reasonableness,’ and (2) ‘a reasonable probability that, but for counsel’s errors, [they] would not have pleaded guilty and would have insisted on going to

trial.” *Id.* at 536 (quoting *Campos v. State*, 816 N.W.2d 480, 486 (Minn. 2012)). “Whether an attorney’s performance is objectively unreasonable is ‘necessarily linked to the practice and expectations of the legal community: The proper measure of attorney performance remains simply reasonableness under prevailing professional norms.’” *Id.* at 539 (quoting *Padilla*, 559 U.S. at 366). “An attorney meets the objectively reasonable standard when the attorney exercises the customary skills and diligence that a reasonably competent attorney would perform under similar circumstances.” *Eason*, 950 N.W.2d at 268 (quotation omitted); *see also State v. Ecker*, 524 N.W.2d 712, 718 (Minn. 1994) (“When an accused is represented by counsel, ‘the voluntariness of the plea depends on whether counsel’s advice was within the range of competence demanded of attorneys in criminal cases.’” (quotations omitted)). “A strong presumption exists that counsel’s performance was reasonable.” *Eason*, 950 N.W.2d at 268 (quotations omitted).

As mentioned above, we generally review a district court’s decision to deny a defendant’s plea-withdrawal motion for an abuse of discretion, which requires that we examine the court’s factual findings for clear error and its legal conclusions de novo. *See Raleigh*, 778 N.W.2d at 97; *see also Underwood*, 25 N.W.3d at 32. In the specific context of ineffective-assistance-of-counsel claims, appellate courts review findings of fact under clearly erroneous standard and “review de novo the *Strickland* analysis because the performance and prejudice components of the ineffectiveness inquiry involve mixed questions of law and fact.” *Mason-Kimmons v. State*, 26 N.W.3d 858, 869 (Minn. 2025) (quotation omitted).

Here, the district court determined that the representation rendered by attorney C.C. “was objectively reasonable and that there is no evidence that the results of the proceeding would have been different had [the attorney] acted differently.” Below, we apply the aforementioned legal standards in considering Chopin’s claim that the district court abused its discretion in making that determination.

A. The district court acted within its discretion in determining that attorney C.C. provided objectively reasonable advice about the likelihood of indictment and Chopin’s sentencing exposure.

Chopin argues that it was materially misleading for his attorney to advise him that declining to accept the state’s proposed plea agreement would result in his indictment for first-degree murder and a potentially mandatory life sentence. According to Chopin, this advice “was not grounded in any communicated prosecutorial decision.”⁶

The district court determined that attorney C.C. “correctly advise[d] . . . [him] of the changed likelihood of indictment” based on the June 20 email and conversation with the prosecutors. We discern no abuse of discretion in this determination because the district court’s underlying factual findings are not clearly erroneous and its legal conclusions

⁶ Chopin also avers that attorney C.C. threatened to withdraw from representation if Chopin refused to plead guilty. Because the district court did “not find [Chopin’s] assertions credible,” it determined that “there is no evidence” that attorney C.C. made such a threat. We defer to the district court’s credibility determinations. *See Griffin*, 941 N.W.2d at 408–09; *Ince*, 847 N.W.2d at 24; *Knops*, 536 N.W.2d at 620; *Jones*, 921 N.W.2d at 782–83. And the record reflects that attorney C.C. “had reviewed discovery” with Chopin, that they “were fully prepared for trial,” and that the attorney withdrew from representation only because Chopin informed the attorney that he intended to claim ineffective assistance of counsel as a ground to withdraw his plea. We therefore decline to reverse the district court’s decision on this basis.

evince no error. *See Mason-Kimmons*, 26 N.W.3d at 869; *Underwood*, 25 N.W.3d at 32; *Raleigh*, 778 N.W.2d at 97.

The record reflects that a prosecutor had told attorney C.C. in December 2022 that, if the case did not resolve via guilty plea, the state would seek an indictment. On June 20, 2024, a prosecutor emailed attorney C.C. that the 363-month, single-count-of-second-degree-murder “offer [was] still available but [would] expire on Thursday 6/27 at 9 a.m.” and that, if Chopin wished to proceed with the proposed plea agreement, he would “have to accept and plead before that time.” Importantly, the prosecutor concluded the email by saying: “After that time, if there is a conviction, we plan to ask for the maximum sentence.” Attorney C.C. had been practicing in criminal defense for 50 years, had “handled likely more than 4,500 cases at all offense levels, including at least 50 murder cases,” and was “aware of the state’s grand jury process, [which] include[ed] know[ledge] that grand juries convened on Thursday mornings, which was the deadline to accept the state’s offer.” While the prosecutors “did not explicitly confirm that the June 27 deadline was because they planned to take the case to the grand jury if there was no plea,” they did tell attorney C.C. during the June 20 follow-up call that “they had ‘options’” and that, “hypothetically[,] if there [were] an indictment, [Chopin] [could] be indicted under Minn. Stat. § 609.185[(a)(3)].”

On this record, Chopin has not overcome the “strong presumption . . . that counsel’s performance was reasonable.” *Eason*, 950 N.W.2d at 268 (quotation omitted). As a result, we conclude that the district court acted within its discretion in determining that attorney

C.C. provided objectively reasonable advice about the likelihood of indictment and Chopin's sentencing exposure.⁷

B. The district court acted within its discretion in determining that there was no reasonable probability that, but for attorney C.C.'s advice, Chopin would not have pleaded guilty and would have insisted on going to trial.

Chopin contends that, but for his counsel's erroneous advice, he would not have pleaded guilty.

Because it did "not find [Chopin's] assertions credible," the district court determined that "there is no evidence" that he would not have pleaded guilty but for the advice of attorney C.C. While the district court found that attorney C.C. provided credible testimony during the March and April 2025 evidentiary hearings on Chopin's plea-withdrawal motion, the court "overall did not find that [Chopin] testified credibly at the evidentiary hearings." The record also reflects that, after Chopin told attorney C.C. in July 2024 that he wanted to withdraw his guilty plea because he believed that his attorney had wrongly advised him about the likelihood of indictment, Chopin still "authorized [his attorney] . . . to engage in a plea negotiation with the state for a reduced sentence of 310 months in exchange for [Chopin] not moving forward with the plea-withdrawal motion." Indeed, Chopin "agreed to be sentenced at his next hearing if the state agreed to the amended plea agreement."

⁷ Based on this conclusion, we reject Chopin's claim that the plea colloquy did not cure attorney C.C.'s purportedly erroneous advice. In other words, because the district court acted within its discretion in determining that attorney C.C. provided objectively reasonable advice about the likelihood of indictment and Chopin's sentencing exposure, his argument about the curative effect of the plea colloquy necessarily fails.

On the issue of whether Chopin would not have pleaded guilty but for attorney C.C.’s advice, because the record before us reveals no clearly erroneous factual findings or errors of law by the district court, we discern no abuse of discretion. *See Mason-Kimmons*, 26 N.W.3d at 869; *Underwood*, 25 N.W.3d at 32; *Raleigh*, 778 N.W.2d at 97. As explained above, inasmuch as the district court acted within its discretion in determining that attorney C.C. provided objectively reasonable advice about the likelihood of indictment and Chopin’s sentencing exposure, the requisite premise for Chopin to meet *Strickland*’s second prong—i.e., “counsel’s errors”—is lacking. *Ellis-Strong*, 899 N.W.2d at 535 (quoting *Campos*, 816 N.W.2d at 486). Furthermore, we must defer to the district court’s credibility determinations. *See Griffin*, 941 N.W.2d at 408–09; *Ince*, 847 N.W.2d at 24; *Knops*, 536 N.W.2d at 620; *Jones*, 921 N.W.2d at 782–83. The record is thus devoid of evidence that Chopin would not have pleaded guilty and would have insisted on going to trial but for the advice of attorney C.C. *See Ellis-Strong*, 899 N.W.2d at 535.

For those reasons, we conclude that the district court acted within its discretion in determining that there was no reasonable probability that, but for attorney C.C.’s advice, Chopin would not have pleaded guilty and would have insisted on going to trial.

Overall, the district court’s well-reasoned order denying Chopin’s plea-withdrawal motion thoroughly gives due consideration to the supporting grounds Chopin advanced and the potential prejudice to the state. *See Raleigh*, 778 N.W.2d at 97. This is not the “rare case” in which reversal is warranted. *Id.* (quotation omitted). The district court acted within its discretion in denying Chopin’s presentence motion to withdraw his guilty plea. *See id.*

Affirmed.